

Glossary

APEC	Asia Pacific Economic Cooperation Conference
ARAACP	Airport Restricted Access Area Clearance Program
BF	Bring Forward Date
CAUT	Canadian Association of University Teachers
CI	Counter Intelligence
CIC	Citizenship and Immigration Canada
COMMITTEE	Security Intelligence Review Committee (SIRC)
CPC	Case Processing Centre
CRNC	Criminal Records Name Check
CSE	Communications Security Establishment
CSIS	Canadian Security Intelligence Service
CT	Counter Terrorism
Director	The Director of CSIS
EII	Enforcement Information Index
EXIPC	Executive Intelligence Production Committee
FLV	Foreign Liaison & Visits Branch
GSP	Government Security Policy
IAB	Intelligence Assessments Branch
IAC	Intelligence Assessment Committee

IAT	Independent Advisory Team
IO	Intelligence Officer
NARU	National Archives Requirements Unit
OPS	<i>Operational Policy Manual</i>
PSEA	<i>Public Service Employment Act</i>
RAP	Analysis and Production Branch
RCMP	Royal Canadian Mounted Police
PCC	Public Complaints Commission (RCMP)
RTA	Request for Targeting Authority
SERVICE	Canadian Security Intelligence Service (CSIS)
SIRC	Security Intelligence Review Committee
SLO	Security Liaison Officer
TARC	Target Approval and Review Committee

SIRC Reports and Studies

(Section 54 reports—special reports the Committee makes to the Minister—are indicated with an *)

1. *Eighteen Months After Separation: An Assessment of CSIS' Approach to Staffing Training and Related Issues*, (SECRET) * (86/87-01)
2. *Report on a Review of Security Screening for Applicants and Employees of the Federal Public Service*, (SECRET) * (86/87-02)
3. *The Security and Intelligence Network in the Government of Canada: A Description*, (SECRET) * (86/87-03)
4. *Ottawa Airport Security Alert*, (SECRET) * (86/87-05)
5. *Report to the Solicitor General of Canada Concerning CSIS' Performance of its Functions*, (SECRET) * (87/88-01)
6. *Closing the Gaps: Official Languages and Staff Relations in the CSIS*, (UNCLASSIFIED) * (86/87-04)
7. *Counter-Subversion: SIRC Staff Report*, (SECRET) (87/88-02)
8. *SIRC Report on Immigration Screening*, (SECRET) * (87/88-03)
9. *Report to the Solicitor General of Canada on CSIS' Use of Its Investigative Powers with Respect to the Labour Movement*, (PUBLIC VERSION) * (87/88-04)
10. *The Intelligence Assessment Branch: A SIRC Review of the Production Process*, (SECRET) * (88/89-01)
11. *SIRC Review of the Counter-Terrorism Program in the CSIS*, (TOP SECRET) * (88/89-02)
12. *Report to the Solicitor General of Canada on Protecting Scientific and Technological Assets in Canada: The Role of CSIS*, (SECRET) * (89/90-02)
13. *SIRC Report on CSIS Activities Regarding the Canadian Peace Movement*, (SECRET) * (89/90-03)

14. *A Review of CSIS Policy and Practices Relating to Unauthorized Disclosure of Classified Information*, (SECRET) (89/90-04)
15. *Report to the Solicitor General of Canada on Citizenship/Third Party Information*, (SECRET) * (89/90-05)
16. *Amending the CSIS Act: Proposals for the Special Committee of the House of Commons*, (UNCLASSIFIED) (89/90-06)
17. *SIRC Report on the Innu Interview and the Native Extremism Investigation*, (SECRET) * (89/90-07)
18. *Supplement to the Committee's Report on Immigration Screening of January 18, 1988*, (SECRET) * (89/90-01)
19. *A Review of the Counter-Intelligence Program in the CSIS*, (TOP SECRET) * (89/90-08)
20. *Domestic Exchanges of Information*, (SECRET) * (90/91-03)
21. *Section 2(d) Targets—A SIRC Study of the Counter-Subversion Branch Residue*, (SECRET) (90/91-06)
22. *Regional Studies (six studies relating to one region)*, (TOP SECRET) (90/91-04)
23. *Study of CSIS' Policy Branch*, (CONFIDENTIAL) (90/91-09)
24. *Investigations, Source Tasking and Information Reporting on 2(b) Targets*, (TOP SECRET) (90/91-05)
25. *Release of Information to Foreign Agencies*, (TOP SECRET) * (90/91-02)
26. *CSIS Activities Regarding Native Canadians—A SIRC Review*, (SECRET) * (90/91-07)
27. *Security Investigations on University Campuses*, (TOP SECRET) * (90/91-01)
28. *Report on Multiple Targeting*, (SECRET) (90/91-08)
29. *Review of the Investigation of Bull, Space Research Corporation and Iraq*, (SECRET) (91/92-01)

30. *Report on Al Mashat's Immigration to Canada*, (SECRET) * (91/92-02)
31. *East Bloc Investigations*, (TOP SECRET) (91/92-08)
32. *Review of CSIS Activities Regarding Sensitive Institutions*, (TOP SECRET) (91/92-10)
33. *CSIS and the Association for New Canadians*, (SECRET) (91/92- 03)
34. *Exchange of Information and Intelligence between CSIS & CSE, Section 40* (TOP SECRET) * (91/92-04)
35. *Victor Ostrovsky*, (TOP SECRET) (91/92-05)
36. *Report on Two Iraqis—Ministerial Certificate Case*, (SECRET) (91/92-06)
37. *Threat Assessments, Section 40 Study*, (SECRET) * (91/92-07)
38. *The Attack on the Iranian Embassy in Ottawa*, (TOP SECRET) * (92/93-01)
39. *"STUDYNT" The Second CSIS Internal Security Case*, (TOP SECRET) (91/92-15)
40. *Domestic Terrorism Targets—A SIRC Review*, (TOP SECRET) * (90/91-13)
41. *CSIS Activities with respect to Citizenship Security Screening*, (SECRET) (91/92-12)
42. *The Audit of Section 16 Investigations*, (TOP SECRET) (91/92-18)
43. *CSIS Activities during the Gulf War: Community Interviews*, (SECRET) (90/91-12)
44. *Review of CSIS Investigation of a Latin American Illegal*, (TOP SECRET) * (90/91-10)
45. *CSIS Activities in regard to the Destruction of Air India Flight 182 on June 23, 1985—A SIRC Review*, (TOP SECRET) * (91/92-14)
46. *Prairie Region—Report on Targeting Authorizations (Chapter 1)*, (TOP SECRET) * (90/91-11)
47. *The Assault on Dr. Hassan Al-Turabi*, (SECRET) (92/93-07)
48. *Domestic Exchanges of Information (A SIRC Review—1991/92)*, (SECRET) (91/92-16)

49. *Prairie Region Audit*, (TOP SECRET) (90/91-11)
50. *Sheik Rahman's Alleged Visit to Ottawa*, (SECRET) (CT 93-06)
51. *Regional Audit*, (TOP SECRET)
52. *A SIRC Review of CSIS' SLO Posts (London & Paris)*, (SECRET) (91/92-11)
53. *The Asian Homeland Conflict*, (SECRET) (CT 93-03)
54. *Intelligence - Source Confidentiality*, (TOP SECRET) (CI 93-03)
55. *Domestic Investigations (1)*, (SECRET) (CT 93-02)
56. *Domestic Investigations (2)*, (TOP SECRET) (CT 93-04)
57. *Middle East Movements*, (SECRET) (CT 93-01)
58. *A Review of CSIS' SLO Posts (1992-93)*, (SECRET) (CT 93-05)
59. *Review of Traditional CI Threats*, (TOP SECRET) (CI 93-01)
60. *Protecting Science, Technology and Economic Interests*, (SECRET) (CI 93-04)
61. *Domestic Exchanges of Information*, (SECRET) (CI 93-05)
62. *Foreign Intelligence Service for Canada*, (SECRET) (CI 93-06)
63. *The Audit of Section 16 Investigations and Foreign Intelligence Reports*, (TOP SECRET) (CI 93-11)
64. *Sources in Government*, (TOP SECRET) (CI 93-09)
65. *Regional Audit*, (TOP SECRET) (CI 93-02)
66. *The Proliferation Threat*, (SECRET) (CT 93-07)
67. *The Heritage Front Affair. Report to the Solicitor General of Canada*, (SECRET) * (CT 94-02)
68. *A Review of CSIS' SLO Posts (1993-94)*, (SECRET) (CT 93-09)

69. *Domestic Exchanges of Information (A SIRC Review 1993-94)*, (SECRET) (CI 93-08)
70. *The Proliferation Threat - Case Examination*, (SECRET) (CT 94-04)
71. *Community Interviews*, (SECRET) (CT 93-11)
72. *An Ongoing Counter-Intelligence Investigation*, (TOP SECRET) * (CI 93-07)
73. *Potential for Political Violence in a Region*, (SECRET) (CT 93-10)
74. *A SIRC Review of CSIS' SLO Posts (1994-95)*, (SECRET) (CT 95-01)
75. *Regional Audit*, (TOP SECRET) (CI 93-10)
76. *Terrorism and a Foreign Government*, (TOP SECRET) (CT 94-03)
77. *Visit of Boutros Boutros-Ghali to Canada*, (SECRET) (CI 94-04)
78. *Review of Certain Foreign Intelligence Services*, (TOP SECRET) (CI 94-02)
79. *The Audit of Section 16 Investigations and Foreign Intelligence Reports*, (TOP SECRET) (CI 94-01)
80. *Domestic Exchanges of Information (A SIRC Review 1994-95)*, (SECRET) (CI 94-03)
81. *Alleged Interference in a Trial*, (SECRET) (CT 95-04)
82. *CSIS and a "Walk-In"*, (TOP SECRET) (CI 95-04)
83. *A Review of a CSIS Investigation Relating to a Foreign State*, (TOP SECRET) (CI 95-02)
84. *The Audit of Section 16 Investigations and Foreign Intelligence Reports*, (TOP SECRET) (CI 95-05)
85. *Regional Audit*, (TOP SECRET) (CT 95-02)
86. *A Review of Investigations of Emerging Threats*, (TOP SECRET) (CI 95-03)
87. *Domestic Exchanges of Information*, (SECRET) (CI 95-01)
88. *Homeland Conflict*, (TOP SECRET) (CT 96-01)

89. *Regional Audit*, (TOP SECRET) (CI 96-01)
90. *The Management of Human Sources*, (TOP SECRET) (CI 96-03)
91. *Economic Espionage I*, (SECRET) (CI 96-02)
92. *Economic Espionage II*, (TOP SECRET) (CI 96-02)
93. *Audit of Section 16 Investigations and Foreign Intelligence Reports 1996-97*, (TOP SECRET) (CI 96-04)
94. *Urban Political Violence*, (SECRET) (SIRC 1997-01)
95. *Domestic Exchanges of Information (1996-97)*, (SECRET) (SIRC 1997-02)
96. *Foreign Conflict, Part I*, (SECRET) (SIRC 1997-03)
97. *Regional Audit*, (TOP SECRET) (SIRC 1997-04)
98. *CSIS Liaison with Foreign Agencies*, (TOP SECRET) (SIRC 1997-05)
99. *Spy Case*, (TOP SECRET) (SIRC 1998-02)
100. *Domestic Investigations (3)*, (TOP SECRET) (SIRC 1998-03)
101. *CSIS Cooperation with the RCMP, Part I*, (SECRET) * (SIRC 1998-04)
102. *Source Review*, (TOP SECRET) (SIRC 1998-05)
103. *Interagency Cooperation Case*, (TOP SECRET) (SIRC 1998-06)
104. *A Case of Historical Interest*, (TOP SECRET) (SIRC 1998-08)
105. *CSIS' Role in Immigration Security Screening*, (SECRET) (CT 95-06)
106. *Un conflit étranger - deuxième partie* (TOP SECRET) (SIRC Study 1997-03)
107. *Review of Transnational Crime* (SECRET) (SIRC Study 1998-01)
108. *CSIS Cooperation with the RCMP - Part II* (SECRET) * (SIRC Study 1998-04)

- 109. *Audit of Section 16 Investigations & Foreign Intelligence 1997-98* (TOP SECRET) (SIRC Study 1998-07)
- 110. *Review of Intelligence Production* (SECRET) (SIRC Study 1998-09)
- 111. *Regional Audit* (TOP SECRET) (SIRC Study 1998-10)
- 112. *CSIS Liaison with Foreign Agencies* (TOP SECRET) (SIRC Study 1998-11)
- 113. *Allegations by a Former CSIS Employee*, (TOP SECRET) * (SIRC 1998-12)
- 114. *CSIS Investigations on University Campuses* (SECRET) (SIRC Study 1998-14)
- 115. *Review of Foreign Intelligence Activities in Canada* (TOP SECRET) (SIRC Study 1998-15)
- 116. *Files* (TOP SECRET) (SIRC Study 1998-16)

List of Recommendations and Major Issues

Statement from the Review Committee –

Recommendation for a Comprehensive Review of Canada's Security Intelligence Systems

In any democratic society security intelligence activities are among the most serious a government can undertake. They warrant the constant and meticulous attention of all who cherish democratic values and civil discourse in a turbulent and dangerous world.

The current security intelligence apparatus was designed twenty years ago, and last examined as a whole in 1990. The Members of SIRC believe that it is time, therefore, for a thorough Government-wide review of all of the nation's intelligence systems and organizations.

The mechanisms of such a comprehensive examination are for Government to choose, however, we would urge that the review be as open as law and prudence permit, and that all interested parties, individuals, and groups, be encouraged to participate.

Review of Transnational Criminal Activity

In the Committee's view, the question of whether CSIS' mandate permits its involvement in the investigation of transnational criminal activity remains open at the present time. There is a larger public policy question to be addressed by Government. Currently, CSIS is following Ministerial instructions to deal with issues of international crime, however, our reviews pointed to a number of problems in regard to the Service taking on the task. Given the importance of the matter, we would urge the Government to consolidate and clarify its intentions on how to address this growing array of threats to Canada.

The threshold for CSIS intervention ought to be clearly articulated: Service participation should be contingent on the criminal activity being of such seriousness and scope as to represent a genuine threat to the strategic, social, economic, and national security interests of Canada. The Service should not become involved in the investigation of criminal activities best left to law enforcement agencies.

Should CSIS continue to remain involved in the area, the Committee recommends that,

it develop a clear operational policy in all its aspects for investigating transnational criminal activity. Such policy should include the requirement to assess each case whenever consideration is given to initiating an investigation under an issue-based targeting authority; and,

it implement a program of specialized training in the key areas of transnational crime in order that the objective of providing strategic intelligence to the government on major international criminal activities can be fully realized.

Review of Intelligence Production

While the Committee acknowledges that as an organizational reality clients in Counter Intelligence and Counter Terrorism will continue to influence much of what RAP does, we remain convinced that the Service should continue active efforts to accommodate its external partners, and that it is possible to seek a better balance without penalty to internal operations.

There is, we believe, a similar lack of balance in the area of strategic analysis. Our discussions with both RAP's internal and external clients evinced the clear need for more and better long-range, strategic analysis.

In order to redress these shortcomings renewed direction from CSIS senior management is required. To this end, the Committee has two recommendations:

The reinvigoration of an apparatus that has become defunct in recent years — the Executive Intelligence Production Committee (EXIPC).

The articulation by CSIS of a specific plan to meet the clear requirement of both internal and external clients for more strategic analysis.

Our review identified a troubling form of professional segregation within the Branch. RAP staff who are not classified as intelligence officers (IOs) are treated differently in the areas of salary, training, and career advancement.

In order to address these issues, the Committee recommends,

that the Service develop quality control guidelines and protocols for its written product, and devise methodologies for checking the veracity of information on which reports are based;

that CSIS implement a comprehensive career plan encompassing all RAP officers, IOs, and non-IOs alike; and,

that a reasonable proportion of supervisory positions within the RAP establishment be designated for officers in the non-IO category.

CSIS Investigations on University Campuses

As a general rule, CSIS officers rely on relevant sections of the *CSIS Operational Policy Manual* which are derived from Ministerial Direction. Therefore, an examination of the Service's interpretation of Ministerial Directions, as expressed in its policy manual, was an important part of our review. The Committee identified some potential problems:

- in instances where the Minister's approval is still needed, the policy manual excluded the requirement set out in Ministerial Direction that the Service provide an explanation to the Minister of how the proposed operation would affect the rights and freedoms of the subjects of the investigation and others associated with the institution;
- a term for a particular type of investigative activity has been subject to too broad and varied an interpretation;
- the policy contained no references to the seminal 1963 Pearson-Laskin Accord; and,
- the policy permits CSIS officers, without Ministerial approval, to go on campus to collect information for security screening purposes and for other mandated enquiries; such enquiries not being adequately defined.

Two recommendations emerged from our study of CSIS campus operations:

First, when requesting authorization from the Minister, the Service should be required to explain how a particular investigation will impact on the rights and freedoms of persons who are subjects of the investigation as well as those persons associated with the institution concerned.

Second, the *CSIS Operational Policy Manual* should include in the authorities section explicit reference to the 1971 Record of Cabinet Decision articulating the general principles of the Pearson-Laskin Accord on campus investigations.

CSIS Cooperation with the RCMP - Part II

While there continues to be some residual friction in two regions between Service officers and their RCMP counterparts over especially difficult cases that arose in the recent past, the Committee believes that these have created no ongoing impairment to operational effectiveness. With the exception of two ongoing concerns—RCMP use of CSIS intelligence in criminal proceedings, and CSIS responsibility in the area of transnational crime—the CSIS-RCMP relationship can be characterized as one of genuine and fruitful cooperation.

CSIS Liaison with Foreign Agencies

Human Rights

The Committee believes that all possible care should be taken to make sure that the Service's exchanges of information are not used to assist in the violation of human rights. In order to ensure that the dissemination of information is tightly controlled, Security Liaison Officers (SLO) must make available to the rest of CSIS timely and accurate information about an agency's human rights record, as well as its propensity to pass information onto third parties without authorization.

Comprehensive Review of All Foreign Arrangements

Fully one-half of the Service's 215 foreign arrangements managed by Service SLOs posted abroad were entered into by the Security Service prior to the establishment of CSIS and, of these, many pre-dated even the 1982 Ministerial Direction. The Review Committee is concerned at the delay in an anticipated release of new Ministerial Direction since our earlier recommendation that CSIS systematically reexamine all foreign arrangements is contingent on new Direction. We strongly urge the Ministry to replace the 1982 Ministerial Direction with one that reflects the Government's experience with the administration of foreign liaison arrangements to date, and that is consistent with the *CSIS Act*.

A General Finding

The Committee's periodic reviews of the Service's overseas liaison activities encompass all the many difficulties associated with work in foreign posts. SLOs sometimes face environments which are personally and professionally challenging. In general, the SLOs in the two posts reviewed demonstrated initiative, employed good judgement, and the Service exercised commendable restraint in deciding what information would be shared with its foreign partners.

Allegations by a Former CSIS Employee

In July 1998, the then Solicitor General, the Honourable Andy Scott, advised the Committee of certain allegations against CSIS by a former employee of the Service. In accordance with section 54 of the *CSIS Act*, the Minister asked us to report on the matter, reviewing the allegations and detailing the facts, if any, on which the allegations were based. The Committee concluded that all of the allegations were unfounded and so reported to the Minister.

Overlooked Files

In early 1998, while conducting file reviews at CSIS Headquarters, the Committee came across files that were opened by the RCMP Security Service, and which had been overlooked during the Service's major review in 1990 of all of the files inherited from the RCMP. Our review of the files revealed that the misplaced files were due to "administrative oversight": the files had inexplicably not been assigned a Bring Forward (BF) date during the Service's 1990 major review.

In general, although we found CSIS' file review process to be sound, we did find problems in the Service's implementation of that process. With the aim of rectifying these issues, the Committee made three recommendations:

First, that the *File Review and Disposition Guidelines* be updated to reflect the Service's present policy and operational requirements.

Second, that the operational units be required to comply with National Archives Requirements Unit (NARU) deadlines for disposal decisions, and that NARU establish an effective follow-up process.

Third, that analysts in NARU and the operational desks provide detailed rationales for their decisions to retain files, citing the applicable criteria listed in the Schedules and the Service's interest pursuant to the *CSIS Act*.

Complaint Case Histories

This section describes complaint cases submitted to the Review Committee during the past year on which decisions have been reached. Not addressed are complaints that were subject to administrative review, were misdirected, were outside the Committee's mandate, or on which decisions have not yet been rendered.

Both cases described below arose from Service activities in support of the Immigration Program and were lodged under section 41 of the *CSIS Act*.

A Complaint About the Nature of Security Screening Interviews

The complaint raised five issues:

- that the complainant was in receipt of a telephone call from a Service employee not involved with or aware of the fact that the individual was the subject of a security screening review;
- the Service put questions to the complainant that were outside its mandate to provide security screening advice in aid of the immigration program;
- the report written by the CSIS officer demonstrated a lack of respect for the applicant;
- the two interviews conducted by the Service were overly long; and
- that the screening and recommendation process was subject to unwarranted delay.

Overall, the Committee found that the Service acted in a reasonable and prudent fashion in handling the case. The time CSIS took to process the matter was not inappropriate under the particular circumstances involved, though the Committee was not able to address issues of delay in agencies of Government other than CSIS. While the Review Committee believed the "stray" phone call from a Service employee to be unfortunate and inappropriate, we concluded that it was made in error. It is important to note that in this instance the Service forwarded a positive security screening recommendation to Citizenship and Immigration Canada.

A Complaint About the Nature of Information Collected and Transmitted to CIC

The second case was based on the complainant's challenge of the accuracy of the Service's reporting. Our review was made more difficult by the absence of official transcripts of the Service's interview or a signed declaration by the complainant. We determined nevertheless that the CSIS investigators were inadequately prepared for the first security screening interview they conducted with the complainant. They had not reviewed the Personal Information Form (PIF) completed by the individual. In our opinion, this knowledge would have resulted in an interview that was focused and conducted in a more professional manner.

In addition, we took issue with a CSIS report to CIC where the Service stated that the complainant's representative was allowed to attend a security screening interview. We found that the investigators considered that the representative's attitude would not lead to a productive interview, and so the representative was asked to leave.

It is evident to the Committee that CSIS failed to transmit all relevant information to CIC about the complainant. We recommended to the Service that it forward all information necessary for CIC to reach a conclusion about the complainant's application.

Notes

- 1 *Report of the Special Senate Committee on Security and Intelligence*, January 1999.
- 2 It was determined that the definition in section 2(b) of the *CSIS Act* which refers to “foreign influenced activities within or relating to Canada that are detrimental to the interests of Canada and are clandestine or deceptive or involve a threat to any person,” was sufficiently broad to include serious transnational criminal activity.
- 3 Also referred to as “issue-based” targeting, the generic authorization names no specific persons but instead gives the Service wide discretion to investigate a class of activities fitting a threat that is described.
- 4 “*People and Process in Transition*”, Report to the Solicitor General by the Independent Advisory Team on CSIS, October 1987, and *The Intelligence Assessments Branch: A SIRC Review of the Production Process*, September 1988.
- 5 “*People and Process in Transition*”, p. 20.
- 6 “*People and Process in Transition*”, p. 35.
- 7 1987-88 SIRC Annual Report, p. 40.
- 8 1987-88 SIRC Annual Report, p. 41.
- 9 EXIPC was created in 1987 to ensure that intelligence production was consistent with the overall requirements and priorities of the Government, as well as with the specific needs identified by clients. EXIPC has met only rarely in recent years.
- 10 “Declared” intelligence officers are those the host country has been informed about by the foreign nation’s government and whose tasks are ostensibly related to legal, official diplomatic, and liaison activities. “Undeclared” officers are those about whom the host country has not been notified and who occupy posts within the diplomatic mission not openly connected with intelligence gathering.
- 11 A retention period is a time limit imposed on the Service for retaining a file. A Bring Forward (BF) date is assigned to the file based on the prescribed retention period for the file category. Upon expiry of the retention period, the Service reviews the files, and decides whether they should be retained, archived or destroyed.

- 12 Changes to certain warrant conditions were commented on in SIRC's 1997- 98 Annual Report.
- 13 *CSIS 36-97*, Federal Court of Canada, 3 October 1997, McGillis J. SIRC commented on the McGillis Decision in its 1997-98 Annual Report.
- 14 During the period under review, a warrant pertaining to a particular target group expired. CSIS applied for and was granted an additional warrant by the Court on the same target. The Committee reviewed applications for and the implementation of both warrants.
- 15 A replacement warrant is required when the Service changes the targets, the places or the powers of the previous warrant.
- 16 These sections of the *CSIS Act* pertain to the Service attesting that the facts presented to the Court justify the belief, on reasonable grounds, that a warrant was required to enable the Service to investigate a threat to the security of Canada.
- 17 The "resort to" clause permits the Service to use the powers granted in a warrant against a target at a place not named in the warrant, which it believes the target has resorted to or will resort. The legality of this clause has been confirmed by the Supreme Court of Canada in *Thompson et al. v. The Queen*, [1990] 2 S.C.R. 111.
- 18 The Intelligence Assessment Committee is composed of senior officials from the departments and agencies of the Government of Canada most concerned with intelligence matters.
- 19 The Communications Security Establishment is an agency of the Department of National Defence. As described by the Auditor General in his 1996 report to Parliament, *The Canadian Intelligence Community*, the CSE "analyses and reports on foreign radio, radar and other electronic emissions...and provides this foreign intelligence to Canadian Government clients."
- 20 SIRC Annual Report 1997-98, An Operational Audit of CSIS Activities, p. 47.
- 21 Pursuant to section 15 of the *CSIS Act*, the Service may conduct investigations in order to provide security assessments to:
 - departments and agencies of the Federal and provincial governments (section 13 of the *Act*);
 - the government of a foreign state (section 13 of the *Act*); and,
 - the Minister of Citizenship and Immigration (section 14 of the *Act*).

- 22 The number of government security screening investigations for the year under review was 2,424. The majority of field investigations were carried out for the Department of National Defence (659), CSIS (415), Public Works and Government Services (316), Foreign Affairs & International Trade (305), and less than 200 for the Communications Security Establishment.
- 23 The Service carries out immigration security screening investigations, including any necessary interviews.
- 24 CSIS investigators assume the primary responsibility for security concerns, listing the names directly with foreign countries, and the application of the security profiles.
- 25 Both the EII and the Point of Entry Alert System are administered by the Immigration Assessment Unit in the Counter Terrorism Branch. EII is one of many data banks within the Field Operational Support System (FOSS) used by Immigration officers for information, identification, and processing purposes. EII holds information on all persons who have entered any part of the Immigration stream (either for admission purposes or for removal), and identifies the types of documents issued to the applicants and any action taken by CIC.
- 26 When the Service believes that it is not in a position to render a recommendation to CIC concerning a citizenship application, it must seek approval from the Solicitor General to continue investigating the case and “defer” providing the assessment.
- 27 We informed ten individuals that their immigration-related complaints had to first be submitted to the Director of CSIS. Twenty other individuals lodged complaints to the Committee after they had been submitted to the Director.
- 28 A group of fourteen complainants said that they were being asked to inform on their compatriots if they wanted their applications to be treated expeditiously.
- 29 This is usually determined using information from either the Department of Citizenship and Immigration Canada or CSIS (under Federal legislation governing Access to Information and Privacy) or from the nature of the screening interviews conducted by the Service. If the delay is within the Department of Citizenship and Immigration Canada then SIRC does not have jurisdiction.
- 30 Within such period of time as the Committee considers reasonable (thirty days is the most usual).

- 31 Concerning a case first heard by our former Chair, the Committee ruled that the subject of the complaint was of such character as to fall within the class of persons described within paragraph 19(1)(g) of the *Immigration Act*: “persons who there are reasonable grounds to believe...are members of...an organization that is likely to engage in...acts of violence” that would or might endanger the lives or safety of persons in Canada, and thus are not admissible to Canada.

The Committee’s decision was appealed, with the Federal Court of Canada ruling that portions of 19(1)(g) contravened the freedom of association assured by paragraph 2(d) of the *Charter of Rights and Freedoms* in a manner that was not demonstrably justified in a free and democratic society. The Court referred the matter back to the Committee for reconsideration.

Another Committee Member (no longer with the Committee) was subsequently asked to rule on whether the subject of the complaint, a permanent resident of Canada, was a person described in paragraphs 19(1)(e), and 27(1)(c) of the *Immigration Act* as they existed on 29 May 1992, and that portion of paragraph 19(1)(g) of the *Immigration Act* that remained in force following the Federal Court judgement.

Having found that the subject of the Ministerial Report was a person described in paragraphs 19(1)(e) and 19(1)(g), the Member concluded that a security certificate should be issued. This latest decision is being appealed.

- 32 Although we noted in our last Annual Report that CSIS saw no difference between threats to “Canadian interests” and threats to “the security of Canada”, we were uneasy in that the former could be interpreted as giving the Service a broader mandate than the latter term.
- 33 Asia Pacific Economic Cooperation Conference.
- 34 The CSIS video explains the Service’s role to law enforcement and other agencies.
- 35 It was not until 1 July 1998, however, that CSIS assumed the responsibility for the security screening of all Department of National Defence personnel.